

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADAMICHAEL ROWE,  
Plaintiff,

v.

PHILLIP T., ESQ, et al.,  
Defendants.

Case No.: 2:23-cv-00614-JAD-VCF

**ORDER**

On April 20, 2023, pro se plaintiff Michael Rowe, an inmate in the custody of the Clark County Detention Center, submitted a complaint under 42 U.S.C. § 1983. (ECF No. 1-1.) Plaintiff included an incomplete financial certificate with his complaint, but he did not file an application to proceed *in forma pauperis*. (*Id.* at 8.) Furthermore, Plaintiff did not file an inmate trust fund account statement for the previous six-month period. The Court will give Plaintiff the opportunity to file a complete application to proceed *in forma pauperis* by June 23, 2023.

**I. DISCUSSION**

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.

1 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her  
 2 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.  
 3 See 28 U.S.C. § 1915(b).

4 As explained above, Plaintiff filed only an incomplete financial certificate. He did  
 5 not file an application to proceed *in forma pauperis*, or a copy of his jail trust fund account  
 6 stated for the previous six-month period. This case cannot proceed unless Plaintiff either  
 7 pays the \$402 filing fee in full, or he files a complete application to proceed *in forma*  
 8 *pauperis*. The Court will grant Plaintiff an extension of time to either pay the filing fee or  
 9 file a fully complete application to proceed *in forma pauperis* with all three required  
 10 documents.

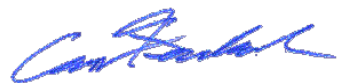
## 11 **II. CONCLUSION**

12 It is therefore ordered that Plaintiff has **until June 23, 2023**, to either pay the full  
 13 \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with  
 14 all three required documents: (1) a completed application with the inmate's two signatures  
 15 on page 3, (2) a completed financial certificate that is signed both by the inmate and the  
 16 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the  
 17 previous six-month period.

18 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
 19 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
 20 to refile the case with the Court, under a new case number, when Plaintiff can file a  
 21 complete application to proceed *in forma pauperis* or pay the required filing fee.

22 The Clerk of the Court is directed to send Plaintiff Michael Rowe the approved form  
 23 application to proceed *in forma pauperis* for an inmate and instructions for the same and  
 24 retain the complaint (ECF No. 1-1) but not file it at this time.

25 DATED THIS 24<sup>th</sup> day of April 2023.



28 UNITED STATES MAGISTRATE JUDGE